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# EGDF position paper on the future of EU legal migration

## About EGDF

1. **The European Games Developer Federation e.f. (EGDF)[1]** unites national trade associations representing game developer studios based 19 European countries: Austria (PGDA), Belgium (FLEGA), Czechia (GDACZ), Denmark (Producentforeningen), Finland (Suomen pelinkehittäjät), France (SNJV), Germany (GAME), Italy (IIDEA), Malta (MVGSA), Netherlands (DGA), Norway (Produsentforeningen), Poland (PGA), Romania (RGDA), Serbia (SGA), Spain (DEV), Sweden (Spelplan-ASGD), Slovakia (SGDA), Turkey (TOGED) and the United Kingdom (TIGA). Altogether, through its members, EGDF represents more than 2 500 game developer studios, most of them SMEs, employing more than 35 000 people.

2. **Games industry** represents one of Europe's most compelling economic success stories, relying on a strong IP framework, and is a rapidly growing segment of the creative industries. European digital single market area is the third-largest market for video games globally. In 2019, Europe's video games market was worth €21bn, and the industry has registered a growth rate of 55% over the past five years in key European markets[2]. All in all, there are around 5000 game developer studios and publishers in Europe, employing closer to 80 000 people.[3]

3. **Due to the talent shortage, the growth of the European games industry relies on migration.** Game developer studios recruit especially senior specialists from abroad. For example, Neogames Finland ry, the umbrella organisation of the Finnish games industry, estimated already in 2018 that 27% of the 3200 persons working for the Finnish industry are foreigners[4]. Furthermore, as an outcome of the COVID19 pandemic, remote work both in the EU and from third countries is going to become far more common. Consequently, the EU must build a solid framework not just for immigration but also for remote work and not just for attracting Information and communications technology professionals

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[1] For more information, please visit www.egdf.eu

[2] ISFE Key Facts 2020 from GameTrack Data by Ipsos MORI and commissioned by ISFE https://www.isfe.eu/data-key-facts/

[3] European Games Industry in 2018:
http://www.egdf.eu/wp-content/uploads/2020/08/European-Report-on-the-Game-Development-Industry-in-2018.pdf

[4] For more information: https://neogames.fi/wp-content/uploads/2020/07/FGIR-2018-Report.pdf

(e.g. coders and data analysts) but also other games industry creative talents like game artists and game designers.

## A new European focus on talent attraction

4.  **A European strategy on talent attraction**: Currently, the Commission is building several talent attraction related initiatives (e.g. the lighthouse centre of research and innovation) for attracting the leading professionals in their respective fields in Europe. Consequently, the Commission should build a cross-policy sector strategy on talent attraction. This strategy should cover all kinds of actions from more accessible information immigrating in Europe to the European presence in leading industry events in different sectors.

## Access to top global talent for all companies

5.  **Reducing immigration-related administrative burden**: The games industry is a global industry; its success is based on its ability to recruit worldwide leading talents to Europe. Consequently, the Commission should do all it can to simplify the immigration requirements for non-European talent, (including, for example, investors, new employees, students or co-founders of companies), e.g. by sharing best practices between member states. Far too often very expensive consulting agencies are needed to take care of the immigration bureaucracy, making it impossible for many start-up teams to get leading talents globally to join their teams.

6.  **Five critical steps for building talent friendly immigration framework:**

    ○ **Shared immigration services through embassy network of EU member states**: Individual member states have small embassy networks globally, but when combined, the network is huge. For this reason, anyone applying for a blue card or residence permit from one member state should be able to use embassies of other member states as well, for example, for identification. No highly skilled professional should be required to waste their time by applying to an embassy in another country, just to do some administrative work.

    ○ **EU immigration should not be based on academic qualifications:** Leading digital games are based on the combination of cutting edge technological solutions, pioneering business models and highly innovative artistic content. Therefore, highly skilled games industry professionals hired from global markets often are forerunners in their fields of expertise. Consequently, game developer studios were looking for big data-scientists years before relevant university degrees became available. Thus the residence permits for experts should not be tied to qualifications but on relevant professional experience. The length of this experience should not be required to be more than two years.

    ○ **Possible salary thresholds should always be national:** There are considerable differences in the variance of salaries between member states. Thus, the use of average European salaries to calculate the salary threshold would make, for example, the European Blue Card system almost unusable for some of them.

- **A talent friendly immigration process is a family-friendly immigration process:** Often, highly skilled specialists are moving into EU with their family. For this reason, the immigration process of the immediate family of the new employee is equally important for a successful recruitment process as the immigration process of the person who is hired. In particular, all EU countries must provide equal access to the EU for same-sex couples coming from the countries where same-sex marriage is not possible.

- **Immigration friendly eGovernment solutions.** Currently, many bottlenecks in the immigration process are caused by obsolete eGovernment solutions. It should not take more than one month to get a Blue card or a residence permit after applying them. Consequently, the EU should support is member states on:

  - **On introducing a strict once-only principle for the whole immigration process:** National regulatory framework and eGovernment solutions have to allow full data transfers between all public actors involved in the immigration process. All data should be requested as early as possible and only once during the process.

  - **A more accessible immigration application system:** Both the employer and applicant should have access to modify the applications and track the status of the residence permit application in the administrative process. The information for the first application should be stored on user accounts so that all data would be ready for reapplying the residence permit when needed. The notifications from the progress of the immigration administration process should be sent to both the employer and employee.

  - **Global eSignature:** Electronic signatures should be accepted not just between EU countries, but also from trusted third countries. Therefore, the EU should take the lead in building a global standard for eSignature with its eIDAS initiative.

7. **No full harmonisation of EU immigration rules:** The EU immigration rules (e.g. Blue Card) should act as a maximum requirement for working in the EU. Member States should be allowed to build their own systems with less strict immigration requirements if they wish to do so.

## Creating a single market for digital jobs

8. **On-stop-shop for immigration and cross-border remote work in EU:** Each EU member state should build provide one-stop-shop combining all relevant national information and services on cross-border remote work and immigration in a single easily accessible website.

9. **Search for a job residence permits**: EU should introduce rules allowing the admission of third-country workers without a concrete job offer, permitting them to search for a job subject to certain conditions such as demonstrating a certain level of skills.

10. **Stronger intra-EU mobility rights for all third-country workers**: The commission should make it easier for those workers who legally reside in one EU Member State to move and work in another EU Member State.

11. **Retaining highly skilled third-country nationals already legally residing in the EU**: There should be a clear and easy legal path for, for example, third-country students who just graduated or highly specialised industry experts who have been laid off to stay in the EU and search for a job.

12. **Remote work friendly implementation of joint EU rules**: Many game developer studios and publishers are based in Europe because Europe is able to attract leading creative, business and computational talent. Europe needs a regulatory framework that encourages investment in talent and avoids a brain drain of trained workforce towards other regions in the world. It is, for example, important that:

    ○ Member States implement the Copyright Directive in a harmonised manner to avoid the fragmentation of European digital job markets and enable remote working across the borders.

    ○ Member States introduce national one-stop shops for remote work.

    ○ the implementation of EU data protection and transfer rules do not make remote work from third countries impossible[5].

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[5] For more information see EGDF approach on the data transfer to third countries:
http://www.egdf.eu/documentation/7-balanced-protection-of-vulnerable-players/privacy-and-data-protection/data-transfers-to-third-countries-2020/: